

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

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BRUCE ALLEN LILLER, et al.	*	
	*	
Plaintiffs	*	Case No.: MJG 02-CV-3390
	*	(Consolidated with MJG 02-CV-3391)
v.	*	
	*	
ROBERT KAUFFMAN, et al.	*	
	*	
Defendants and	*	
Third-Party Plaintiffs	*	
	*	
v.	*	
	*	
ROGER LEE HELBIG	*	
	*	
Third-Party Defendant	*	

* * * * *

DEFENDANTS' STATUS REPORT

Defendants, Joseph Kauffman and Robert Kauffman, by undersigned counsel and pursuant to the Court's scheduling order, submit this status report and state as follows:

1. Has Discovery been completed?

Most items of discovery have been completed. The Defendants have not, however, been able to complete the deposition of the Third Party Defendant, Roger Lee Helbig. This deposition has been noticed on two occasions, and Mr. Helbig has unilaterally cancelled the deposition both times due to a stated transportation problem. We are attempting to work with Mr. Helbig's attorney to

hold the deposition. In the event that the parties are unable to resolve this issue among themselves, it may be necessary to ask for the Court's assistance.

The Defendants are also completing their neuropsychological evaluation of Plaintiff Michael Liller. The evaluation has been delayed because Mr. Liller cancelled his first neuropsychological evaluation with the Defendants' expert, Dr. Spector. The evaluation was cancelled so that Mr. Liller could see the Plaintiff's expert on the same date. Mr. Liller was late for a second appointment, and neuropsychological testing could therefore not be completed. Testing is now complete, and Dr. Spector is finalizing his report. The report should be available shortly, and will be furnished to counsel. The Defendants have pledged to make Dr. Spector available for deposition at the Plaintiffs' request.

As of this writing, the deposition of one of the Plaintiffs' experts, Jack Bergstein, M.D. is still outstanding. The deposition was noted on one occasion, when Dr. Bergstein cancelled due to the stated reason that he did not have sufficient time to prepare. The parties agreed on a date and time for the rescheduled deposition of Dr. Bergstein. As of this writing, counsel has indicated that Dr. Bergstein is still not ready to testify, although counsel is trying to assist Dr. Bergstein in resolving this issue. It is unclear whether the deposition will be completed prior to the scheduled conclusion of discovery on December 27, 2003. To the extent that Dr. Bergstein continues to be uncooperative with the deposition process, the Defendants will object to Dr. Bergstein's continuation as an expert witness.

2. Are any motions pending?

The Defendants do not currently have any motions pending.

3. Does any party intend to file a dispositive pretrial motion?

The Defendants anticipate filing a dispositive pretrial motion as to the claims against Mr. Joseph Kauffman.

4. Is case to be tried by judge or jury? What is anticipated length of trial?

The Plaintiffs have submitted a prayer for jury trial. The Defendants anticipate that three (3) days trial time will be required.

5. Settlement Negotiations

The parties have not yet participated in serious settlement negotiations as discovery is just now being completed, with several items of discovery still outstanding.

6. Settlement Conference

The Defendants are amenable to participating in a settlement conference if the Court believes that such a conference would be helpful in reaching a pre-trial resolution of this case.

7. U.S. Magistrate Judge.

The Defendants do not consent to referral of this case to a magistrate judge of this Court for all further proceedings.

8. Other matters.

The Defendants do not have any other matters to bring before the Court at this time.

/s/ Kathleen M. Bustra
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Attorney for Defendants Joseph
Kauffman and Robert Kauffman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 23rd day of December, 2003, a copy of the foregoing Status Report was sent via first-class mail, postage prepaid, to: Arnold F. Phillips, Esquire, 25254 Garrett Highway, Suite 4, P.O. Box 537, McHenry, Maryland 21541, Attorney for Plaintiffs; and Donald L. Speidel, Esquire, 800 Red Brook Boulevard, Suite 120, Owings Mills, Maryland 21117.

/s/ Kathleen M. Bustraan
Kathleen M. Bustraan

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